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SENSITIVE
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STATE FOR INL/AAE, G/TIP, SCA/CEN (O'MARA)

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SUBJECT: KAZAKHSTAN: NEW LAW SHOULD BOLSTER PROTECTION OF TRAFFICKED PERSONS

REF: 08 ASTANA 2165

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¶1. (U) Sensitive but unclassified. Not for public Internet.

¶2. (U) SUMMARY: A new Special Social Services Law came into force in Kazakhstan at the beginning of 2009 and will pave the way for state funding of a full range of services -- including medical, psychological, and legal services -- to persons "in difficult life circumstances." The Ministry of Justice used the government's 2009-2011 plan to combat trafficking in persons (TIP) as a basis for including victims of trafficking in the new legislation as "victims of violence." The new law, in conjunction with the 2009-2011 plan, will allow for the establishment of a government-funded shelter for trafficking victims. END SUMMARY.

NEW SPECIAL SOCIAL SERVICES LAW

¶3. (U) A new Special Social Services Law, drafted by the Ministry of Labor and Social Protection (MOL) with input from an interagency working group, came into force on January 1. The working group will monitor implementation of the law and is made up of all interested ministries, government agencies, UNICEF, and local NGOs. The new law provides the government the opportunity to develop community-based services for ten at-risk groups: orphans, children whose parents were deprived of parental rights, children with serious behavioral problems, young developmentally-delayed children, the mentally handicapped, those with serious diseases, the elderly and/or infirm, the homeless, ex-convicts, and victims of violence. The law is meant to help people in the above-listed categories who are unable to sufficiently integrate into society because of social, medical, or psychological problems.

¶4. (U) The law requires that responsible agencies develop social services standards that establish the quality, scope, and conditions under which services are provided for each of the groups. The Ministry of Justice (MOJ) was assigned to develop and implement the standards for providing assistance to victims of violence.

¶5. (U) Though the law does not explicitly include victims of trafficking, the MOJ prepared standards that specifically included

victims of trafficking in the category of victims of violence. The MOJ's standards provide for the establishment of a government shelter for victims of trafficking. The MOJ has submitted the initial draft of the standards to the MOL for comments and recommendations by members of the working group.

¶ 16. (U) MOJ officials previously participated in an INL-sponsored study tour to Rome to learn Italy's methods of providing victim assistance and protection and supporting shelters (see reftel). INL is continuing to work with the MOJ to reach out to other countries to provide examples of standards for shelter operation and rehabilitation and reintegration programs for victims of trafficking. Preliminary discussions were held with Georgia, which has similar legislation and a government-funded shelter.

ALL LEGAL TOOLS IN PLACE ...

¶ 17. (U) The MOJ reports that Kazakhstan now has all necessary legal tools to assist trafficking victims. The national program on financial support to trafficked Kazakhstani citizens in foreign countries allows for the provision of assistance to victims of trafficking abroad. Kazakhstan's law on protection of participants in criminal proceedings provides assistance to victims domestically during investigations and court proceedings. And now, the newly adopted Special Social Services Law will allow the government to open a shelter. In accordance with new law and the government's 2009-2011 plan to combat trafficking in persons, a government-funded shelter will be opened as soon as 2010. The 2009-2011 plan, in conjunction with an earlier Social Assistance Law, provides government funding to create TIP hotlines, implement an anti-TIP information campaign, and provide victim assistance through grants to NGOs.

... BUT SOME NGOS HAVE CONCERNS

¶ 18. (SBU) NGOs have commented that because the new Special Social

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Services Law requires government certification of activities related to the provision of special social services, there may be new obstacles for them to implement their own activities. Some NGOs have also complained that new certification rules may open the door to corruption and the entry of unqualified and inexperienced NGOs. NGOs plan to work with international organizations, such as the UN and OSCE, to advocate for the right of NGOs to conduct activities without certification. Since the government has improved its cooperation with NGOs in recent years, the NGOs believe that they will be able to participate in working groups and have their voices heard.

HOAGLAND